

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KEVIN MERTENS,

Plaintiff,

v.

CITY OF SEATTLE,

Defendant.

No. C04-1476P

ORDER DENYING PLAINTIFF'S
MOTION FOR
RECONSIDERATION

This matter comes before the Court on Plaintiff's Motion for Reconsideration. In his motion, Plaintiff requests that the Court reconsider its October 12, 2006 Order granting summary judgment to Defendant City of Seattle. Plaintiff also requests oral argument and requests a stay of the October 12, 2006 Order. For the following reasons, the Court DENIES Plaintiff's requests.

Under Local Civil Rule 7(h), the Court will deny motions for reconsideration unless there is a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to the Court's attention earlier with reasonable diligence.

Mr. Mertens has not shown that the Court's October 12, 2006 Order was erroneous. Mr. Mertens has submitted additional evidence regarding his underlying state conviction. And Mr. Mertens argues that the Rooker-Feldman doctrine does not bar his federal suit. But as the Court explained in its earlier order, the Court does not have subject matter jurisdiction over Mr. Mertens' claims because all of his claims stem from his 1997 state convictions and the subsequent appeals and remand in that case. The Court does not have jurisdiction to hear Mr. Mertens' allegations of due


1 process violations during those state court proceedings. See Bianchi v. Rylaarsdam, 334 F.3d 895,
2 898-99 (9th Cir. 2003) (explaining that under Rooker-Feldman doctrine, federal district courts may
3 not consider constitutional claims that are “inextricably intertwined” with state court’s denial of
4 relief). Because Mr. Mertens has not shown that the Court erred when it concluded that it does not
5 have subject matter jurisdiction in this case, Mr. Mertens’ motion for reconsideration is denied.

6 The Court also DENIES Mr. Mertens’ request for oral argument on this matter.

7 And the Court DENIES Mr. Mertens’ request for a stay of the judgment. Mr. Mertens
8 requests a stay so that he may obtain an affidavit from an expert witness who will testify regarding
9 errors made during the state court proceedings. But as the Court has already explained, the Court
10 does not have jurisdiction to consider an appeal of Mr. Mertens’ state court case.

11 For these reasons, Mr. Mertens’ motion for reconsideration is DENIED.

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13 Dated: October 24th, 2006.

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17 Marsha J. Pechman
18 United States District Judge
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